

#14

Practitioner's Docket No. 115699-20

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James W. Forbes

Application No.: 09/804,406

Filed: 03/12/2001

For: VEHICLE CARRYING RAIL ROAD CAR

Group No.: 3617

Examiner: Jules, F.

RECEIVED

FEB 19 2003

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BY FAX: 703-305-8755

## PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

1. Applicant petitions for the withdrawal of the abandonment of the above-identified application, on which a Notice of Abandonment was issued on 10 February. The reason why the abandonment of the application should be withdrawn, as detailed below, is that a Request for Continued Examination was timely filed on 24 December 2002, before the due date of the issue fee.

2. Nature of abandonment:

The holding of abandonment is due to failure to pay the issue fee, which is admitted. However, instead of paying the issue fee by the due date of 26 December 2002, applicant filed a Request for Continued Examination on 24 December 2002, as demonstrated by the following documents, which are attached:

1. A copy of the Request for Continued Examination, with a certificate of mailing dated 24 December 2002, each signed by Stephen L. Grant, the undersigned registered practitioner, who attests that the RCE was mailed by first class mail on 24 December 2002;

2. A copy of the return card submitted with the RCE, showing receipt in the Patent Office OIPE on 30 December 2002.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

## FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, (703) 305-8755

4 PAGES

Date: 19 Feb. 2003

Signature



(type and print name of person certifying)

STEPHEN L GRANT

Petition to Revive Application Abandoned Unavoidably--page 1 of 2

Based on these above documents, the abandonment of the case was improper and the applicant petitions that it be withdrawn.

3. Response filed:

The payment of the base issue fee is mooted by the filing of the RCE application.

4. Terminal disclaimer 37 C.F.R. § 1.137(c)

As this petition concerns an application which is neither a design application nor an application filed before June 8, 1995, no terminal disclaimer is required.

5. Status of applicant:

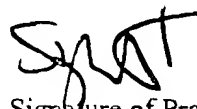
This application is on behalf of other than a small business entity.

6. Fee payment:

From a discussion with Fredrick Briscoe on 19 February 2003, no fee is believed to be due with this petition, but if this is incorrect, please charge Deposit Account 15-0450.

Date: 19 Feb 2003

Reg. No.: 33390  
Tel. No.: 330-864-5550  
Customer No.: 021324



Signature of Practitioner

Stephen L. Grant  
Hahn Loeser & Parks LLP  
1225 W. Market St.  
Akron, OH 44313

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/804,046
Filing Date	March 12, 2001
First Named Inventor	James W. Forbes
Art Unit	3617
Examiner Name	Jules, Frantz F.
Attorney Docket Number	115699-32

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

### a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_

### b. ☒ Enclosed

- i. ☐ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

### a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

04 17/2003 LT/SUM 00000002 150450 09804046

01 FEB 10 2003 The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

### a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 15-0450

- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_

### b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

### c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Stephen L. Grant	Registration No. (Attorney/Agent)	33390
Signature	<i>SLG</i>	Date	December 24, 2002

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Stephen L. Grant
Signature	<i>SLG</i>
Date	December 24, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

Attorney Docket No. 115799-37 Initials SLA/BK Date 12/24/02  
Inventor/Applicant IBS S No. 69/231,446  
Title Delayed Search Control System Filed 12/20/02

☐ PATENT/DESIGN APPLICATION

— pgs. Specification  
— pgs. Claims  
— Total — Independent  
— pgs. Abstract  
— Sheet(s) of Drawings — Formal — Informal  
☒ Declaration/Power of Attorney  
— Small Entity Status  
— Copy of Notice to File Missing Parts  
— PCT Request  
— Fee Calculation Sheet  
— Demand for Prel. Examination  
— Base Issue Fee  
— Supplemental Declaration  
PRCE

☒ AMENDMENT (Due 12/24/02)  
— Extension or Time For — Month(s)  
☐ INFORMATION DISCLOSURE STATEMENT  
☒ PTO/SB/08A — Refs.  
☐ ASSIGNMENT — Recordation  
☐ CHECK(s) In Amount \$ —  
☐ TRANSMITTAL — New Application  
☒ OTHER Internet 276.F.E.3.43  
(Insert of 276.F.E.3.43)  
Submitted 12-27-02

RECEIPT IS HEREBY ACKNOWLEDGED

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